

Applicant has added new Claim 9 which incorporates language from original Claim 1 (subsection b). This claim was added in order to more specifically recite that the driver of the motor vehicle is behind the wheel when the recording means records the driver. As such, no new matter has been added and does not raise any new issues that would require further search or consideration by the Examiner. Therefore, entry of the amendment is respectfully requested.

The Examiner has rejected Claims 4 and 7 under 35 U.S.C. §102(b) as being clearly anticipated by Peterson. The Examiner states that Peterson discloses an observation and recording system for a motor vehicle comprising camera means carried by the motor vehicle, the camera means being directed at a road in front of the vehicle and at a driver of the motor vehicle and means for recording images of the road in front of the vehicle and the driver of the motor vehicle observed by the camera means. Regarding Claim 7, the Examiner states that Peterson discloses the use of connectors which are equivalent to jacks. Applicant respectfully disagrees.

Applicant's invention is directed toward an observation and recording system which is mounted within a motor vehicle. The system allows for the conditions forward of the vehicle to be recorded as well as the driver, the speedometer, and the odometer of the vehicle.

Peterson discloses a vehicle mounted surveillance and videotaping system which includes a camera mounted within a police vehicle and a video recorder housed in a vault in the trunk of the vehicle. The camera focuses on the conditions in front of the vehicle including motorists on the road in front of the police vehicle. The camera does not focus on any instrumentation within the police vehicle or on the driver of the police vehicle.

Peterson does not disclose camera means being directed at a road in front of the vehicle and at a driver of the motor vehicle as recited by Applicant. Neither does Peterson disclose Applicant's means for recording images of the driver of the motor vehicle observed by the camera means. As such, Claims 4 and 7 are not clearly anticipated by Peterson. The Examiner suggests that the driver of the motor vehicle, i.e., the police officer is recorded when he or she stops a motorist in front of the police vehicle. While such a conclusion may be drawn from the teaching of Peterson, it does not teach or disclose Applicant's claimed invention. Specifically, Peterson does not disclose camera means being directed at a road in front of the vehicle and at a driver of the motor vehicle or means for recording images of the driver of the motor vehicle observed by the camera means. The driver of the vehicle, as referred to by Applicant and as recited in the claims, is the driver of the motor vehicle and not a driver standing outside of the vehicle at which point the driver ceases to be a driver and becomes a pedestrian. Therefore, Applicant's claimed invention is not disclosed by Peterson.

The Examiner has rejected Claims 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over Peterson in view of Secor. The Examiner states that Peterson may not appear to disclose means for recording information from the odometer and the speedometer of the vehicle but that Secor teaches the means for recording information from the odometer and the speedometer of the vehicle and that therefore, it would have been obvious to one of ordinary skill in the art to utilize the teachings of Peterson and Secor for viewing the odometer and speedometer so as to obtain all possible relevant information during the pullover of violating motorists in order to allow an accurate court presentation. Applicant respectfully disagrees.

Applicant's comments made above regarding Peterson are applicable to this rejection as well as and will not be repeated here. Secor adds little, if anything to the teaching of Peterson. Secor discloses a rear viewing arrangement for a motor vehicle which permits the driver to view traffic conditions to the rear and right and left sides of the vehicle. Left and right video cameras are mounted on the left and right sides of the vehicle, respectively, and forward of the driver's position. The images viewed from the cameras are reproduced on an LCD viewing screen which is integrated on the vehicle's dashboard. The integrated dashboard display also includes a speedometer and an odometer. However, lenses are not focused on the driver, the road in front of the driver, or the instrumentation within the vehicle as recited by Applicant. Furthermore, the means for recording information from the odometer and speedometer provided by the camera means is not taught or suggested by either reference.

Neither of the references relied upon by the Examiner, taken alone or in combination, discloses, suggests, or renders obvious Applicant's invention as it is claimed. That is, neither Peterson nor Secor discloses an observation and recording system for a motor vehicle as recited by Applicant. Applicant recites a camera which is directed at the view forward of the driver of the vehicle and at the driver and means for recording the images observed by the camera, such as a view of the driver behind the wheel. The claims also recite, among other things, that information is recorded from the speedometer and odometer of the vehicle. Therefore, if the teachings of these two patents were combined as the Examiner suggests, Applicant's invention would not result.

The Examiner states that the location of the camera is not considered to be patentable because the camera can be placed anywhere to view any position as desired by any

one of ordinary skill in the art and that the shifting of the location of parts is not considered to be patentable. The Examiner also states that the combination of Peterson and Secor is deemed to be proper because all of the limitations have been met and that the test for obviousness is what the combined teachings of the references would have suggested to those of ordinary skill in the art. Applicant respectfully disagrees with the Examiner's position.

As discussed above, Peterson and Secor, alone or in combination, do not disclose or suggest Applicant's claimed invention. Applicant's invention is directed toward an observation and recording system which is mounted within a motor vehicle. The system allows for the conditions forward of the vehicle to be recorded as well as the driver, the speedometer, and the odometer of the vehicle. The location of the camera means is not an obvious variation. That is, a camera is placed within a vehicle in order to observe particular images, for example, the driver of the vehicle, the speedometer, and the odometer in order for these images to be recorded and preserved for future reference. The location of the camera means is important in order to obtain the information discussed above. Furthermore, there is no suggestion in either of the references relied upon by the Examiner or in the combined teachings of the references to observe the driver of the vehicle. Therefore, even if the references have been properly combined, Applicant's invention would not result.

The Examiner has rejected Claim 8 under 35 U.S.C. §103(a) as being unpatentable over Peterson. The Examiner states that Peterson may not appear to disclose the portability of a camera but that it would have been obvious to one of ordinary skill in the art to recognize that the portability of a camera is an extremely obvious feature because one can easily

manipulate and place the camera in any location one desires to capture any point of view needed for image acquisition applications. Applicant respectfully disagrees.

Applicant's comments made above regarding Peterson are applicable to this rejection and will not be repeated here. Furthermore, there is no suggestion in Peterson of a portable recording device connected to a jack as recited by Applicant. The Examiner's comments are somewhat misplaced as the portability of a camera is not a feature of Applicant's device. Rather, Applicant recites a portable recording device connected to a jack which is not taught or suggested in either of the references relied upon by the Examiner. Therefore, Claim 8 is not disclosed or suggested by Peterson.

In view of all the foregoing, Applicant submits that all of the claims presently in the application clearly and patentably distinguish over the references of record and should be allowed. It is believed that this application is in condition for allowance and an early action toward that end is most respectfully solicited.

Respectfully submitted,

JOHN P. SENATORE

By: 

Norman E. Lehrer

Registration No. 26,561

Dated: June 5, 2001